

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 14 OF 2005

Shri Narayan Gyanu Walunj .. Petitioner

versus

Shri Vithal Balaji Devkar & ors. .. Respondents

...

Mr.R.K. Singh for the petitioner.

None present for the respondents

CORAM : B.H. MARLLAPALLE, J

DATED : 22nd August 2005.

P.C.:

1. Heard Mr. Singh, learned counsel for the petitioner original plaintiff in RCS No. 1 of 1990.

2. As per the certified true copy of the roznama in the said suit as placed on record, it appears that on 13th September 2000, the plaintiff's learned Advocate filed an application under Exhibit-86 stated that he had no instructions from the plaintiff and then suit came to be dismissed for

non prosecution. The plaintiff had remained absent before the Tribunal on 10th July 2000, 1st August 2000 and 8th August 2000.

3. An application for restoration of the suit was filed belatedly along with an application for delay condonation and the same application was rejected on 7th October 2004. This order came to be challenged in an appeal before the District Court at Pune and this Miscellaneous Appeal also has been dismissed on 6.11.2004. Hence, this Civil Revision Application.

4. Admittedly, Civil Revision Application is not maintainable and therefore, the learned counsel seeks leave to withdraw the Civil Revision Application with liberty.

5. Leave granted and Civil Revision Application is disposed of as withdrawn with liberty as is available in law.

B.H. MARLAPALLE, J